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MAR 27 2006

Facsimile Transmittal

*Confidential and Privileged  
Attorney-Client Communication***To:** Mail Stop: MISSING PARTS  
Office of Initial Patent Examination Division  
U.S. Patent & Trademark Office**Telephone:****Fax:** (571) 273-8300**From:** Paul Davis**Telephone:** 1.650.324.7041**No. of Pages:** 11 (including cover)**Date:** March 27, 2006

38187-2783

**Re:** U.S. National Stage Patent Application No.: 10/540,912  
I.A. Filing Date: December 15, 2003  
Title: Method and Apparatus for Measuring Analytes  
Inventor: Dominique M. Freeman and Dirk Boecker  
Our Reference: 38187-2783

Dear Sir:

Attached are the following documents:

1. Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
2. Executed Declaration for Utility
3. Power of Attorney By Assignee with a copy of the Assignment
4. Assignment Recordation Coversheet
5. Executed Assignment of Application
6. Authorization to charge Deposit Account No. 08-1641 (38187-2783)
7. Copy of Notification of Missing Requirements under 35 U.S.C. 371

HELLER EHRMAN LLP

Paul Davis

SV 2196542 v1

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Heller Ehrman LLP [www.hellerehrman.com](http://www.hellerehrman.com)

San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage New York Washington D.C. Montgomery Co., MD

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Practitioner's Docket No.: 38187-2783

MAR 27 2006

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Dominique M. Freeman, et al.  
 Serial No.: 10/540,912  
 I.A. Filing Date: December 15, 2003  
 For: Method and Apparatus for Measuring Analytes

Group No.: To Be Assigned  
 Examiner: To Be Assigned  
 Confirmation No.: 8064

Mail Stop: Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

## COMPLETION OF FILING REQUIREMENTS—NONPROVISIONAL APPLICATION

- L This replies to the Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office for US Application 10/540,912 mailed January 27, 2006. A copy of the Notice of Missing Requirements is enclosed.

## DECLARATION OR OATH

- II. No declaration or oath was filed. Enclosed is the original declaration or oath for this application.

## POWER OF ATTORNEY

- III. Enclosed is an original Power of Attorney by Assignee to Exclusion of Inventor.

## SMALL ENTITY STATUS

- IV. Applicant claims small entity status. See 37 CFR 1.27.

## COMPLETION FEES

- |  |       |
|--|-------|
| 1. Surcharge Fee: Late payment of filing fee (37 C.F.R. 1.16(e)) | \$65  |
| 2. Assignment (See "ASSIGNMENT COVER SHEET")                     | \$40  |
| Total completion fees  | \$105 |

## EXTENSION OF TIME

- V. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.  
 Fee Due: \$0

## TOTAL FEE DUE

- VI. The total fee due is: Completion fees \$ 105; Extension of Time Fees \$0; Corrected Filing Receipt Fees \$0  
**TOTAL FEE DUE \$ 105**

## PAYMENT OF FEES

- VII. Charge Account No. 08-1641 (38187-2783) in the amount of \$105.  
 Please charge Account No. 08-1641 (38187-2783) for any fees that may be due by this paper.

03/30/2006 ATRAN1 00000150 081641 10540912  
 01 FC:2617 65.00 DA


Respectfully Submitted,

  
 Paul Davis, Reg. No. 29,294

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## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office via facsimile to USPTO central facsimile number (571) 273-8300 and addressed to: Mail Stop: Missing Parts, U.S. Patent and Trademark Office, Alexandria, Virginia on

Typed or printed name	Jason A. Gonzalez		
Signature		Date	March 27, 2006

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38187-2783.PC



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1410  
Alexandria, Virginia 22313-1410  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/540,912	FIRST NAMED APPLICANT Dominique M Freeman	ATTY. DOCKET NO. 38187-2783
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FEB 02 2006

HEWM LLP - P.A.

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275 MIDDLEFIELD ROAD  
MENLO PARK, CA 94025-3506

INTERNATIONAL APPLICATION NO.

PCT/US03/40095

LA. FILING DATE

12/15/2003

PRIORITY DATE

04/19/2002

CONFIRMATION NO. 8064

371 FORMALITIES LETTER

OC000000017912532

Date Mailed: 01/27/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/27/2005
- Copy of the International Search Report filed on 06/27/2005
- Preliminary Amendments filed on 06/27/2005
- Information Disclosure Statements filed on 06/27/2005
- Request for Immediate Examination filed on 06/27/2005
- U.S. Basic National Fees filed on 06/27/2005
- Priority Documents filed on 06/27/2005
- Specification filed on 06/27/2005
- Claims filed on 06/27/2005
- Abstracts filed on 06/27/2005
- Drawings filed on 06/27/2005

DOCKETED

MISSING REQMENTS  
DUE - 3/27/06  
FINAL - 8/27/06

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

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**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/540,912	PCT/US03/40095	38187-2783

FORM PCT/DO/EO/905 (371 Formalities Notice)